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Debra Odum
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------------------------|---|------------------------------|
| In re Application of: | § | Confirmation No.: 2977 |
| JEFFREY W. MOEHLLENBRUCK | § | |
| JOHN P. RANIERI | § | |
| | § | Group Art Unit: 1656 |
| Serial No.: 10/812,268 | § | |
| | § | Examiner: Marsha M. Tsay |
| Filed: March 29, 2004 | § | |
| | § | Atty. Dkt: 13461.0055.DVUS02 |
| For: METHODS AND COMPOSITIONS | § | |
| FOR TREATING | § | Client Dkt: SBI-064-US3-DIV |
| INTERVERTEBRAL DISC | § | |
| DEGENERATION | § | |
| | § | |

NOTICE OF APPEAL

Commissioner for Patents
Mail Stop AF
P.O. Box 1450
Alexandria VA, 22313-1450

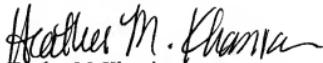
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the primary Examiner mailed September 25, 2008, finally rejecting claims 82-102 and 125-128.

This paper is filed timely and concurrently with a Request for a Pre-Appeal Brief Conference. No extension fees are believed to be due. The Commissioner is authorized to

deduct the Notice of Appeal fee of \$540 for large entity from Howrey LLP Deposit Account No. 08-3038/13461.0055.DVUS02. Should any additional fees be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct such fees from the same deposit account.

Respectfully submitted,



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